

**SUMMARY:** Pursuant to its authority, the Commission is exempting from regulation the transportation by rail of iron and steel scrap (STCC No. 40-211) and steel shipping containers (STCC No. 34-912). These commodities are added to the list of exempt commodities, as set forth below.

**EFFECTIVE DATE:** June 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** On August 24, 1994, at 59 FR 43528, we requested comments on a proposal by the Association of American Railroads (AAR) and the Institute of Scrap Recycling Industries, Inc. (ISRI) (collectively, petitioners), to exempt from regulation under 49 U.S.C. 10505 the rail transportation of certain ferrous recyclables. After receiving and analyzing the comments filed in this proceeding, we now partially approve petitioners' proposal. We exempt iron and steel scrap (STCC No. 40-211) and steel shipping containers (STCC No. 34-912) from regulation, but decline at this time to exempt blast furnace, open hearth, rolling mill, or coke oven products, NEC (STCC No. 33-119).

We reaffirm our initial finding that the exemption will not significantly affect either the quality of the human environment or the conservation of energy resources.

We also reaffirm our initial finding that the exemption will not have a significant economic impact on a substantial number of small entities.

For further information, see the Commission's printed decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Room 2229, Washington, DC 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

#### List of Subjects in 49 CFR Part 1039

Intermodal transportation,  
Manufactured commodities, Railroads.

Decided: April 28, 1995.

By the Commission, Chairman Morgan,  
Vice Chairman Owen, and Commissioners  
Simmons and McDonald.

**Vernon A. Williams,**  
*Secretary.*

For the reasons set forth in the preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is amended as follows:

#### PART 1039—EXEMPTIONS

1. The authority citation for part 1039 continues to read as follows:

**Authority:** 49 U.S.C. 10321 and 10505; and 5 U.S.C. 553.

2. In § 1039.11, paragraph (a), the following new entries are added at the end of the table to read as follows:

##### § 1039.11 Miscellaneous commodities exemptions.

(a) \* \* \*

STCC No.	STCC tariff	Commodity
* * *	* * *	* * *
34 912	6001-W, eff. 1-1-95..	Steel shipping containers.
40 211	.....do .....	Iron and steel scrap.

\* \* \* \* \*

[FR Doc. 95-12338 Filed 5-18-95; 8:45 am]

BILLING CODE 7035-01-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 301

[Docket No. 950106003-5070-02; I.D. 051595G]

##### Pacific Halibut Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason action; vessel clearance procedures.

**SUMMARY:** The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock in order to help sustain it at an adequate level in the northern Pacific Ocean and Bering Sea. **EFFECTIVE DATE:** March 15, 1995, through December 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Stephen Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

**SUPPLEMENTARY INFORMATION:** The IPHC, under the Convention between the United States of America and Canada for the preservation of the Halibut

Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995). On behalf of the IPHC, this inseason action is published in the **Federal Register** to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

##### Inseason Action

##### 1995 Bering Sea Halibut Vessel Clearance Procedures

All halibut vessels fishing in Area 4A must obtain a vessel clearance from a designated fish processor either in Akutan or Dutch Harbor both prior to fishing, and prior to unloading.

All halibut vessels fishing in Area 4B must obtain a vessel clearance from Atka Pride Seafoods in Nazan Bay on Atka Island, both prior to fishing and prior to unloading and/or departure from Area 4B. The vessel operator must obtain the clearance required prior to fishing, in person. The clearance required after fishing may be obtained in person, or via VHF radio (call on VHF channel 6) as long as the person granting the clearance can visually confirm the identity of the vessel. Vessels that fish only in Area 4B and land their entire annual halibut catch at a port within Area 4B are exempt from the vessel clearance requirements.

All halibut vessels fishing in Area 4C and 4D must obtain a vessel clearance prior to fishing from a designated fish processor in either Akutan or Dutch Harbor. The vessel clearance required prior to unloading must be obtained at St. George or St. Paul, either in person, or via VHF radio as long as the person granting the clearance can visually confirm the identity of the vessel. Clearance at St. George can be obtained from the harbor master (call on VHF channel 16). Clearance at St. Paul can be obtained from either Trident Seafoods (call on VHF channel 73) or from Unisea (call on VHF channel 74). Vessels that only fish in Area 4C and land their total annual halibut catch at a port within Area 4C are exempt from the vessel clearance requirements. Vessels that fish only in Area 4D and 4E, and land their total annual halibut catch at a port within Areas 4D, 4E, or the Bering Sea closed area, are also exempt from the vessel clearance requirements.

Vessel clearances can only be obtained between 0600 hours and 1800 hours, local time. No halibut may be on board the vessel at the time of obtaining the clearance required prior to fishing in Area 4.

The clearance form for all vessel clearances obtained in person must be signed by the vessel operator. The clearance form for all vessel clearances obtained by VHF radio must be signed by the issuing officer.

Dated: May 15, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-12387 Filed 5-18-95; 8:45 am]

BILLING CODE 3510-22-F

## 50 CFR Part 651

[Docket No. 950410096-5135-02; I.D. 050595B]

RIN 0648-AH66

### Northeast Multispecies Fishery; Exemption Supplement to Framework 9

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to modify the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This rule allows a small mesh fishery exemption within specific areas and during specific times in the Gulf of Maine/Georges Bank (GOM/GB) Small Mesh Exemption Area and the retention and landing of skate by vessels fishing in the New York and Connecticut State Waters Winter Flounder Small Mesh Exemption Program. The Acting Director, Northeast Region, NMFS (Regional Director), has determined that these fisheries meet the exemption qualification requirements specified in § 651.20 (a)(7) and (c)(5). This rule also makes two corrections to the multispecies regulations.

**EFFECTIVE DATE:** May 15, 1995.

**ADDRESSES:** Copies of Amendment 5 to the FMP, its regulatory impact review (RIR) and the initial regulatory flexibility analysis contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 9 and its supporting analyses are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097.

#### FOR FURTHER INFORMATION CONTACT:

Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252.

**SUPPLEMENTARY INFORMATION:** NMFS implemented an emergency interim rule on December 12, 1994 (59 FR 63926), to implement immediate protective measures to reduce fishing effort on groundfish stocks, primarily cod, haddock, and yellowtail flounder, while a more comprehensive plan amendment (Amendment 7) designed to rebuild these stocks is developed.

On the recommendation of the New England Fishery Management Council (Council), this emergency action was extended, effective March 13, 1995, through June 10, 1995 (60 FR 13078, March 10, 1995). Because the development and implementation of proposed Amendment 7 is not expected until 1996, the measures contained in the emergency action, with some modifications, were implemented on a permanent basis in Framework Adjustment 9 to the FMP (60 FR 19364, April 18, 1995). The framework action, effective April 13, 1995, superseded the emergency action. Additional measures in Framework 9, which required approval by the Office of Management and Budget under the Paperwork Reduction Act, were made effective on April 28, 1995 (60 FR 21994, May 4, 1995).

Under Framework Adjustment 9, any fishery utilizing mesh smaller than the regulated mesh size is disallowed, except for fisheries that have been determined to have a catch of less than 5 percent, by weight, of regulated species. With the implementation of Framework Adjustment 9, the Regional Director determined that several species met the 5 percent requirement and are, therefore, currently allowed under § 651.20 (a)(3), (a)(4), (c)(3), and (d)(3).

Section 651.20 (a)(7), (c)(5), and (d)(4) authorizes the Regional Director to add or delete species exemptions in the respective regulated mesh areas based on the determination that the fishery in which the species are caught meets the 5 percent criteria--after consideration of the gear used, area where the fishery occurs, and other relevant factors. Recently, several small mesh exemption proposals were submitted to the Regional Director for consideration. Of these requests, the Regional Director has a reasonable basis to determine that a seasonal small mesh fishery of specified species in two of the small mesh exemption areas proposed in the GOM/GB regulated mesh area, and an allowance for the take of one additional species, skate, in New York and Connecticut state waters in the State

Waters Winter Flounder Exemption Program, will not exceed the 5 percent bycatch allowance of regulated species.

When fishing in the two exempted subareas within the GOM/GB regulated mesh area with small mesh during the respective time frames specified, vessels may fish for the following exempted species: Butterfish, dogfish, herring, mackerel, ocean pout, scup, squid, silver hake (whiting), and red hake. Vessels fishing for the exempted species identified above may also possess and retain the following species as incidental take, with the restrictions noted: Longhorn sculpin, monkfish, and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board or 200 lobsters, whichever is less.

The fishing season is from July 15 through November 15 when fishing under the exemption in Small Mesh Area 1; and from January 1 through June 30 when fishing under the exemption in Small Mesh Area 2. These dates were selected based on the proposal request and were justified by an analysis of sea sampling data, commercial landings, and research vessel survey data that indicated the 5 percent criteria was met concerning the level of bycatch.

This rule also allows the possession and retention of skate as incidental take when fishing in New York and Connecticut state waters under the State Waters Winter Flounder Exemption Program.

Further, this rule makes a correction by adding squid to the exempted species list in the Mid-Atlantic region. Squid had been determined to meet the 5 percent criteria and was included as an exempted species with the implementation of the emergency interim rule (59 FR 63926, December 12, 1994), but had been inadvertently omitted in a subsequent rulemaking. This rule corrects this omission by adding squid to this list under § 651.20(d)(3).

Finally, this rule corrects the provisions exempting, under certain conditions, purse seine and mid-water trawl gear from the minimum mesh size requirements as specified under § 651.20 (e) and (f), to allow this exemption in all of the regulated mesh areas, but to require letters of authorization only in the GOM/GB and Stellwagen Bank/Jeffreys Ledge (SB/JL) regulated mesh area.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive prior notice and opportunity for comment under 5 U.S.C.